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#### REMARKS

In the Office Action mailed April 5, 2004, the Examiner rejected claims 1-5, 7-19, 23 and 27 under 35 USC Section 103(a) as being unpatentable over Stephenson et al. Claims 6, 20-22 and 24-26 were rejected under 35 USC Section 103 as being unpatentable over Stephenson et al. in view of Kulkarni. In view of the following comments, the Examiner's rejection is respectfully traversed, and reconsideration of the claims as presented herein is respectfully requested.

Stephenson discloses a system wherein the mobile device transmits the IMSI (or TMSI) when the SIM card is present or transmits the IMEI when the SIM is not present. Stevenson neither teaches nor suggests constructing an interim IMSI nor sending a constructed interim IMSI. Additionally, Stephenson neither shows nor suggests packet data transmission of an IMEI or an IMSI from a mobile. Finally, Stephenson does not teach or suggest routing a SIM IMSI to a first HLR and routing an interim IMSI to a second HLR.

According to one aspect of the present invention, when the SIM is not present, an interim international mobile subscriber identity (IMSI) is constructed and a packet data message is transmitted using the constructed interim IMSI. According to another embodiment, an interim identity generator is coupled to the circuitry for communicating, the interim identity generator generating an interim IMSI in response to the SIM not being detected. According to another aspect of the present invention, the interim IMSI is generated from an interim mobile country code, an interim mobile network code, and pseudo-random digits associated with a portion of an international mobile equipment identity (IMEI) associated with the mobile user device. According to still another aspect, a first user identity module, positioned along the first data path, detects the presence of the interim IMSI and SIM IMSI and routes interim IMSI signaling to an interim home location register (HLR) and SIM IMSI to a second HLR. According one other aspect of the present invention, the interim identity generator generates an interim IMSI in response to the SIM not being detected within the mobile user device, the interim IMSI generated from information stored in the mobile communication device, and the circuitry for communicating transmits the interim IMSI in a packet communication when the SIM is not inserted within the mobile user device.

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The Examiner states that the IMEI is an interim IMSI. However, the IMEI is well known terminology in the art, and clearly an IMEI is not an interim IMSI or a constructed interim IMSI. The Examiner further contends that Stephenson suggests constructing the interim IMSI from a plurality of values as for example recited in claim 6. However, Stephenson teaches away from this hindsight re-construction by teaching use of the IMEI when the SIM is not present and use of the constructed IMSI or TMSI when the SIM is present.

The Examiner states that Stephenson teaches transmitting the interim IMSI in packet data communications from the mobile. However, Stephenson does not suggest that the mobile construct an interim IMSI, nor does it suggest that the mobile transmit packet data communications. At best, Stephenson teaches transmitting an IMEI in an emergency call over a non-packet GSM messaging when a SIM is not present.

Accordingly, it is respectfully submitted that the claims define allowable subject matter and are in condition for allowance.

Respectfully Submitted

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